

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Nikolas Boris Mariani

Case: 2:21-mj-30192

Judge: Unassigned,

Case No. Filed: 04-26-2021 At 12:20 PM

USA v. SEALED MATTER(CMP)(MLW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Nov. 15, 2020 and Dec. 31, 2020 in the county of Macomb in the
Eastern District of Michigan, the defendant(s) violated:


*Code Section**Offense Description*

18 USC §§ 2252A(a)(2)(A) and 2252(a)(5)(B)
 18 USC § 2422(b)
 18 USC § 1470

Receipt and possession of child pornography
 Coercion and enticement of a minor to engage in illicit sexual activity
 Transfer of obscene material to a minor

This criminal complaint is based on these facts:
 see attached affidavit.

☒ Continued on the attached sheet.



Complainant's signature

Adam Christensen, Special Agent (FBI)

Printed name and title

Sworn to before me and signed in my presence
 and/or by reliable electronic means.

Date: April 26, 2021City and state: Detroit, Michigan


Judge's signature

Hon. Anthony P. Patti, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF APPLICATION FOR
COMPLAINT AND ARREST WARRANT**

I, Adam Christensen, having been first duly sworn, do hereby depose and state as follows:

I. INTRODUCTION

1. I have been employed as a Special Agent of the FBI since 2010, and am currently assigned to the Detroit Division. While employed by the FBI, I have investigated federal criminal violations related to child exploitation, and child pornography. I have gained experience through training and everyday work relating to conducting these types of investigations. I have received training in the area of child pornography and child exploitation, and have had the opportunity to observe and review numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. Moreover, I am a federal law enforcement officer who is engaged in enforcing the criminal laws, including 18 U.S.C. §§ 2252A, 2422, and 1470 and I am authorized by the Attorney General to request an arrest warrant.

2. This affidavit is made in support of an application for a criminal complaint and arrest warrant for **Nikolas Boris Mariani** for violations of 18 U.S.C. §§ 2252A(a)(2)(A) (receipt of child pornography), 2252A(a)(5)(B) (possession of child pornography), 2422(b) (coercion and enticement of a minor), and 1470 (transfer of obscene material to a minor).

3. The statements contained in this affidavit are based in part on: written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; independent investigation and analysis by law enforcement officers/analysts and computer forensic professionals; and my experience, training and background as a Special Agent (SA) with the FBI. Because this affidavit is being submitted for the limited purpose of securing authorization for the requested arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause that **Mariani** has violated Title 18 U.S.C. §§ 2252A(a)(2)(A), 2252A(a)(5)(B), 2422(b), and 1470.

II. BACKGROUND OF INVESTIGATION

BACKGROUND INFORMATION

4. **Mariani** was born in the year 2000 and is currently 20 years old. **Mariani** is currently charged with Criminal Sexual Conduct—Third Degree in Macomb County Circuit Court in two separate cases, for incidents involving MV1 and MV2 described below, case numbers 2021-000565-FH and 2021-000566-FH.

5. INDIVIDUAL 1 is a male friend of **Mariani's** born in the year 1999 and is currently 21 years old.

6. The Roseville Police Department initially investigated **Mariani** for a matter involving an adult victim (“AV”), a female born in 2002 and who was 18 years

old at the time. AV reported to the Roseville Police Department on November 15, 2020 that she had been sexually assaulted. AV stated that INDIVIDUAL 1, had picked her up on November 12, 2020 from her mother's house. They then picked up another friend of AV, a white female born in 2002 who was 17 years old at the time. INDIVIDUAL 1 took AV and her friend to **Mariani's** house in Roseville, Michigan. The women started drinking and eventually passed out on **Mariani's** bed. When AV woke up she had vaginal pain. AV later received a video clip from her friend who was with her that night that showed INDIVIDUAL 1 assaulting AV with an erection while she was unconscious. It appears that **Mariani** took this video clip and it is the subject of the 18 U.S.C. § 1470 count as detailed below.

INCIDENT 1 (MARIANI AND MV1)

7. On November 16, 2020, the mother of minor victim 1 (hereinafter referred to as MV1), made a report to Roseville Police Department regarding the potential criminal sexual contact between MV1 and **Nikolas Boris Mariani**. MV1, a female with date of birth 2006 and was 14 years old at the time, had met **Mariani** through Snapchat and MV1's mother had reviewed the conversation, after MV1 had requested to go on birth control. The review of the conversation showed that the chat partner MV1 was talking to had the display name Boris and that the conversation was sexual in nature and contained nude images of MV1 sent to **Mariani**. MV1's mother

had made a recording of the Snapchat conversation and provided that to the Roseville Police Department on November 18, 2020.

8. On December 8, 2020, MV1 was forensically interviewed. During the interview MV-1 stated that she had had sexual intercourse with **Mariani** at his house in his room in the basement. She knew that **Mariani** was 19 to 22 years old and that **Mariani** knew that she was 14 years old.

9. On December 15, 2020, **Mariani** voluntarily came in to be interviewed by Detective Gerebics of the Roseville Police Department. During that interview **Mariani** admitted to being Boris on Snapchat. **Mariani** knew through INDIVIDUAL 1 that MV1 was 14 years old. **Mariani** admitted to having sexual intercourse with MV1 three times and that he used a condom. **Mariani** stated that MV1 had sent him nudes of herself both without her top on and without her bottom on. At the end of the interview, **Mariani** was served with a search warrant for his cellular telephone which was seized at that time.

10. A forensic review of **Mariani**'s cellular telephone, a Samsung Galaxy S20 Ultra, was conducted by Detective St. Onge of the Sterling Heights Police Department. This review showed images of MV1 on the phone, to include images of MV1's face, images of MV1 topless, and what appears to MV1 masturbating. I have reviewed the images that appear to be MV1 from the cellular telephone of **Mariani** and have determined at least five meet the Federal definition of child pornography, in

violation of Title 18 U.S.C. §§ 2252A(a)(2)(A), receipt of child pornography, and 2252A(a)(5)(B), possession of child pornography. Further there was a black and white CCTV video on the phone of a white male with his pants pulled down and his penis exposed next to a white female who appears to be unconscious with her pants pulled down and her buttock exposed, the video described above in ***BACKGROUND INFORMATION***. The male begins to pull up the females pants and then covers his penis before touching the female near the genitals or buttocks.

11. On April 23, 2021, I reviewed the recording of the Snapchat conversation between **Mariani** and MV1 provided by the mother of MV1 to Roseville Police Department. The conversation begins with MV1 asking **Mariani** what they should talk about and **Mariani** asks MV1 about BDSM and then asks MV1 if she likes giving pleasure or receiving it more. After **Mariani** provides his address in Roseville, Michigan, including the street, number, and zip code, to MV1, MV1 provides images of herself including of her bare breasts and images focused on genitals and buttocks with underwear on.

12. **Mariani** then discusses two women who are currently at his house and says he wants to pick MV1 up and have her stay at his house this week. After MV1 shares some Snaps that are no longer available for review of their content, **Mariani** says he wishes he was with her. MV1 states that she wishes she was at **Mariani**'s house and he says that she can shower with him in a day, to which MV1 says that she

is horny and she hasn't had sex in a week and she will be all over him the second she gets him alone. **Mariani** asks MV1 to come over tomorrow night.

13. After **Mariani** says that he is recording everything involving the two women and INDIVIDUAL 1 in his room, he sends a black and white CCTV video of a white male and two white females in a bed. **Mariani** then sends the same video that was found on his phone, of the white male with his penis exposed sexually assaulting an unconscious white female, in violation of Title 18 U.S.C. § 1470, transfer of obscene material to a minor. After **Mariani** sends the video a second time, MV1 sends an image of herself with her pants down and underwear on with the focus of the image on her genitals. **Mariani** replies, "I wanna masterbate (sic); But a girl next to me." After MV1 sends an image of her bare breasts, **Mariani** says, "Lol; Fuck it". The two then exchange Snaps that are no longer available for review.

14. **Mariani** then tells MV1 that she needs to disarm the alarms on her doors at her house so she can leave and come see him. He gives her some directions on how to do so and suggests she escape out of a small window which doesn't have an alarm. **Mariani** tells MV1 to run away after she gets birth control and that she should stay with him for weeks as the state enters another lockdown. The conversation ends by **Mariani** asking MV1 to let him know about spending the night with him. This entire conversation is in violation of Title 18 U.S.C. § 2422(b), coercion and enticement of a minor.

INCIDENT 2 (MARIANI AND MV3)

15. On December 31, 2020 the Roseville Police Department responded to **Mariani's** residence in Roseville, Michigan in regard to a missing minor female. **Mariani** answered the door with only a shirt wrapped around his waist. He told the officers that there was nobody else in the basement apartment with him and consented to their search. While searching, the officers found a minor female (hereinafter referred to as MV3), with date of birth in 2006 and was 14 years old at the time, hiding under the bed. When MV3 came out from under the bed she was only wearing a sweatshirt with no other clothing. MV3 was not the missing minor female that Roseville was attempting to locate.

16. **Mariani** was asked how he knew MV3 and he stated that they had met on quick add on Snapchat. **Mariani** denied any sexual activity with MV3.

17. MV3 stated to the officers that she had run away from her home four days prior, on December 27, 2020. She had met **Mariani** approximately two to three months ago on Snapchat. MV3 told **Mariani** that she was 14 years old and he had told her he was 18 years old. MV3 stated that she had engaged in sexual activity with **Mariani** two times while at his residence.

18. Roseville Police Department obtained a search warrant for electronic items at **Mariani's** residence. Two cellular telephones, a Samsung Galaxy A01 and an LG Stylo 6, were seized from the residence. On April 19, 2021, I took custody of

these cellular telephones from Roseville Police Department. Initial review of these cellular telephones revealed that **Mariani** is using four separate Snapchat accounts. **Mariani** is using these Snapchat accounts to attempt contact with many females through the Quick Add feature¹. The review completed to date shows that **Mariani** typically quickly asks the females their age. If they are above 16 years of age, **Mariani** tells them his actual age. If they are below 16 years of age, **Mariani** lies about his age and provides an age younger than his actual age of 20. The conversation between **Mariani** and MV3 has not yet been located.

19. **Mariani** was arrested on December 31, 2020, by the Roseville Police Department for sexual assault regarding his sex acts with MV3. He was further charged with criminal sexual conduct for his sexual engagement with MV1 by the Macomb County Prosecuting Attorney. He has not yet been charged for any violation relating to child pornography.


III. CONCLUSION

20. Based on the foregoing, there is probable cause to believe **Nikolas Boris Mariani** has received child pornography, in violation of Title 18 U.S.C. § 2252A(a)(2)(A), possessed child pornography, in violation of 18 U.S.C. §

¹ Snapchat is a smartphone application that allows for messaging to other users through text, images and videos that are often delete after being viewed or after a set time period. Snapchat's Quick Add feature is a set of recommendation for other users on the Snapchat smartphone application that the user may know or want to know based on the users profile characteristics. Snapchat makes these recommendations through an algorithm in an attempt to connect users to one another.

2252A(a)(5)(B), coerced and enticed a minor, in violation of Title 18 U.S.C. § 2422(b), and transferred obscene material to a minor in violation of Title 18 U.S.C. § 1470.

Respectfully submitted,


Adam Christensen, Special Agent
Federal Bureau of Investigation

Sworn to before me and signed in my presence
and/or by reliable electronic means.


HON. ANTHONY P. PATTI
UNITED STATES MAGISTRATE JUDGE

Date: April 26, 2021